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## VIA FACSIMILE

Chairman Karen Getman and  
Commissioners Swanson, Knox & Downey  
Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, CA 95814

Re: January 17, 2003 Meeting  
Item # 5  
Proposed Amendments to Regulation 18312

Chairman Getman and Commissioners:

I am writing on behalf of CPAA to offer our comments on the proposed amendments to Regulation 18312.

CPAA supports and commends the Commission's long-standing commitment to hold "interested persons" meetings on proposed regulations, forms, manuals and other important procedural matters. The proposed amendment to the regulation at decision point 1 accurately reflects the Commission's policy and we recommend its adoption.

CPAA does urge the Commission to reject decision point 2. As drafted, the amendment authorizes the Commission staff to hold prenotice hearings. The PRA does not authorize the staff to hold "hearings." Rather, that is the prerogative of the Commission. Furthermore, if the intent is to provide the staff with the authority to determine when prenotice hearings are necessary or not, we believe that decision should remain with the Commission. The Commission has been well served by providing the maximum opportunity for public input in the past. Determining which proposed regulatory actions are "important" or "unimportant" is a policy question which should be left to the Commission itself and not delegated to staff. Urgent matters can always be handled with the Commission's authority to adopt emergency regulations.

CPAA also opposes the adoption of decision point 3. While we understand the concern of the staff and Commission to receive timely

January 15, 2003

Page 2

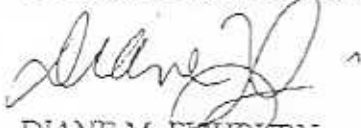
January 15, 2003 submission of written comments, we believe it does not serve the public or the Commission's interests to state that such submissions "will not be considered." Whether a late filed written submission will be considered should be the prerogative of the Commission as a whole and each Commissioner individually. We all know, as practitioners that we assume the risk that filing written submissions late may not result in the due consideration we would hope.

If there is a burden on the agency in transmitting written submissions after a reasonable deadline, placing the responsibility for the transmittal of comments on the filer may be a reasonable alternative to staff's current recommendation. The filer would also be clearly assuming the risk that a commissioner may not receive their comments prior to attending the meeting.

Thank you very much for your consideration of these comments.

Very truly yours,

CALIFORNIA POLITICAL  
ATTORNEYS ASSOCIATION



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DMF:svc